

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL ROY LEE,

Plaintiff,

v.

CV No. 20-1047 RB/CG

CENTRAL NEW MEXICO
CORRECTIONAL FACILITY, et al.,

Defendants.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on Plaintiff's handwritten civil rights complaint, which asserts claims under 42 U.S.C. § 1983. (Doc. 1). Plaintiff is currently in the custody of the Central New Mexico Correctional Facility. *Id.* at 1. Plaintiff's letter raises claims based on the conditions of his transport and confinement. *Id.* at 1-2.

The Court finds Plaintiff's filing is deficient for two reasons. First, Plaintiff's filing is not in proper form or signed under penalty of perjury by Plaintiff, as required by Fed. R. Civ. P. 11(a). Second, Plaintiff failed to prepay the \$400 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs with a six-month account statement. See 28 U.S.C. §§ 1914 and 1915(a). Plaintiff must cure these deficiencies if he wishes to pursue his claims. Plaintiff must prepay the \$400 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs along with a six-month account statement. Plaintiff must also refile an individual complaint on the proper § 1983 form. These deficiencies must be cured within thirty (30) days of entry of this Order. Plaintiff must include the civil action number (CV 20-1047 RB/CG) on all papers he files in this proceeding. If Plaintiff fails to cure these

deficiencies within thirty (30) days, the Court may dismiss this proceeding without further notice.

IT IS THEREFORE ORDERED that by **November 13, 2020**, Plaintiff shall: (1) refile his claims on the proper § 1983 form; and (2) either prepay the \$400 filing fee or submit an Application to Proceed in District Court Without Prepaying Fees or Costs along with a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding this filing.

IT IS FURTHER ORDERED that the Clerk shall mail to Plaintiff a copy of this Order, two (2) copies of a form § 1983 complaint, and two (2) copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE